

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 SATNAM SINGH RANDHAWA,)
09) CASE NO. C12-0416-RSM-MAT
Petitioner,)
10 v.) REPORT AND RECOMMENDATION
11 ICE FIELD OFFICE DIRECTOR,)
12 Respondent.)
13 _____)

14 I. INTRODUCTION AND SUMMARY CONCLUSION

15 On or about March 9, 2012, petitioner filed a petition for writ of habeas corpus under 28
16 U.S.C. § 2241, in which he challenges the lawfulness of his immigration detention. (Dkt. No.
17 1.) Petitioner seeks either release from custody or an individualized bond hearing. *Id.* at 2.
18 After the habeas petition was filed, petitioner was provided with an individualized bond hearing
19 before an Immigration Judge, who granted petitioner release under bond in the amount of
20 \$7500. (Dkt. No. 14, Ex. A.) Petitioner posted bond and was released from immigration
21 custody on April 30, 2012. *Id.* His habeas petition has therefore become moot and should be
22 dismissed for lack of subject matter jurisdiction.

II. DISCUSSION


Under 28 U.S.C. § 2241, a writ of habeas corpus “shall not extend to a prisoner unless . . . [h]e is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The “in custody” requirement is satisfied at the time the petition is filed. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (citations omitted). To maintain a habeas claim, a petitioner must continue to have a personal stake in the outcome of the suit throughout “all stages of federal judicial proceedings.” *United States v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001). At any stage of the proceedings, a petition may become moot “because it no longer present[s] a case or controversy under Article III, § 2, of the Constitution.” *Spencer*, 523 U.S. at 7. “For a habeas petition to continue to present a live controversy after the petitioner’s release . . . there must be some remaining collateral consequences that may be redressed by success on the petition.” *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007) (citing *Spencer*, 523 U.S. at 7).

Petitioner’s release from immigration detention has effectively mooted his petition for writ of habeas corpus. Petitioner has only sought release from custody pending his removal from the United States. Petitioner has not shown that he suffers from any legally cognizable collateral consequences from his detention. Petitioner’s release under bond has effectively mooted his habeas corpus petition, as his present release has secured him the relief he has requested. *See Abdala*, 488 F.3d at 1064 (“[W]here the grounds for habeas relief will not redress collateral consequences, a habeas petition does not continue to present a live controversy once the petitioner is released from custody.”). The Court therefore recommends that this action be dismissed for lack of subject matter jurisdiction.

01 III. CONCLUSION

02 For the foregoing reasons, the Court recommends that petitioner's petition for writ of
03 habeas corpus be DENIED, respondent's motion to dismiss be GRANTED, and this matter be
04 DISMISSED with prejudice. A proposed Order accompanies this Report and
05 Recommendation.

06 DATED this 21st day of May, 2012.

07 
08 _____
09 Mary Alice Theiler
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22